[BA] New watershed rules for reality TV

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On 17 December 2015, the Council of the Communications Regulatory Agency (CRA) adopted a new set of by-laws on audiovisual and radio media services amending and replacing the previous set from 2011, when the provisions of the Audiovisual Media Services Directive were first introduced into the regulatory framework of Bosnia and Herzegovina (see IRIS 2012-1/9). This set includes rules on Audiovisual Media Services (Pravilo o audiovizuelnim medijskim uslugama), rules on Radio Media Services (Pravilo o medijskim uslugama radija), a Code on Audiovisual and Radio Media Services (Kodeks o audiovizuelnim medijskim uslugama i medijskim uslugama radija), and a Code on Commercial Communications (Kodeks o komercijalnim komunikacijama). Both the scope and the titles of the above mentioned regulations remain the same. For the most part, the amendments concern certain technical and stylistic improvements based on the need to update, further elaborate or clarify some definitions and provisions that have turned out to be unclear in practice, such as a clearer procedure for claiming the right of reply and more detailed criteria for license award in a public tender procedure. The procedure for granting local broadcasters an exemption from the obligation to report on European works and European works created by independent producers has also been simplified. In addition, the new regulatory framework introduces certain new requirements for the providers of audiovisual and radio media services, such as the obligation to keep a daily log of all programmes, as well as the obligation to keep programme recordings for 6 weeks instead of 14 days, as previously required.

The most substantial amendment to the Code on Audiovisual and Radio Media Services concerns the introduction of a watershed period for the broadcasting of reality and pseudoreality television programmes. As of 27 January 2016, these programmes may be broadcast only between 12 p.m. and 6 a.m., unless they are broadcast in encoded form. This measure came in reaction to the parallel emergence of several highly controversial regional reality shows that had been broadcast by big commercial broadcasters for several months, and that contained extremely inappropriate and harmful content broadcast every day, throughout the day. This had prompted a significant public outcry, demands for firmer regulatory action, and even calls for these programmes to be banned altogether.

For the purpose of this provision, the definition of reality programmes has been limited to ostensibly unscripted versions of this television genre that show the life

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of a group of participants in an isolated space who are permanently in the zone of video cameras and microphones, and who are trying to win a competition or are competing for a prize. This excludes other forms of reality television - such as talent shows - from the obligation to follow the watershed rule. Pseudoreality programmes are defined as scripted programmes that display either reconstructions of authentic events or entirely fictional but real life-like situations the focus of which is on drama and conflicts, for example adultery, criminal acts, difficult life situations etc.

In the course of public consultations, only few commercial broadcasters opposed the proposed measure, claiming it lacked clarity and was restrictive to their editorial freedom. On the other hand, the Council's proposal received wide support from the general public as well as some institutions such as the Human Rights Ombudsman. During public consultations, the Agency received a citizens' petition filed by one NGO, demanding that one of the most controversial reality shows broadcast at that moment, titled Farma (the Farm) should either be completely banned or restricted to being broadcast after midnight only.

Regulativa iz oblasti emitovanja

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The regulation of broadcasting

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